

REMARKS

Favorable consideration and allowance of claims 1-3, 5-14, 16-19, 21-29 and 31-33 are respectfully requested in view of the foregoing amendments and the following remarks. Claim 15 has already been allowed.

Claims 1-3, 5-14, 16-19, 21-29 and 31-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Galipeau (U.S. Patent 5,799,141). Applicants respectfully traverse the rejection as set forth below.

Claim 1 is amended herein to recite writing a copy of the accessed data to a storage location other than the external storage medium without storing any intermediate copies or fragments thereof on the external storage medium. Support for this amendment can be found in the Applicants' specification at page 5, lines 16-20, for example.

Applicants submit that Galipeau fails to teach or suggest all of the limitations of amended claim 1. As an initial matter, the Office Action identifies the claimed "shadowing" apparatus and method with the "mirroring" system and method described by Galipeau. Applicants respectfully submit that this identification is incorrect. As described in the "Background of the Invention" of Applicants' specification, prior art "shadowing" systems, also referred to as "mirroring" systems, are different from the claimed "shadowing" system. *See page 3, lines 2-9.* As described, "mirroring" systems maintain copies of data

present on *internal* or fixed disk drives. By contrast, the claimed “shadowing” is shadowing of accesses to *external (i.e., removable)* media.

Applicants submit that Galipeau fails to teach or suggest the feature of claim 1 of writing a copy of the accessed data to a storage location other than the external storage medium without storing any ~~intermediate copies or fragments~~ thereof on the external storage media. This feature of the claim provides an advantage over the prior art, because the copy of the accessed data written to the other storage location cannot be removed when the external medium is detached. With regard to writing a copy of the accessed data to a storage location other than the external storage medium, the Office Action refers to col. 2, lines 18-25 and col. 3, lines 9-35. The cited excerpts, however, do not make the alleged disclosure.

Galipeau discloses a system, which provides a mirroring driver that is attached to a file system driver of a local computer system and intercepts operations on files. *See col. 2, lines 18-25.* Galipeau describes a mirroring system, whose purpose is to back up local data. For example, the “Summary of the Invention” mentions “data files on a local system the user wishes to back-up”. *Col. 2 lines 15-20.* Further, the “Detailed Description of the Preferred Embodiments” describes *only* a single “disk drive 3 or other direct access storage device.” *Col. 3 lines 10-15.* The disk drive 3 is part of the local system. *See col. 3, lines 9-12 and FIG. 1.* Galipeau further discloses “application programs that

read and write data residing in data files on the disk drive 3” (*col. 3, lines 15-16*), which are then intercepted by a “data protection program” (*col. 3, line 18*) that *locally* stores a copy of the request in a log file. *See col. 3, lines 20-21 and col. 2, lines 29-30.*

Galipeau’s system locally stores copies of write requests in a log file. Specifically, the system stores the write requests in the Store and Forward Log 47 (FIG. 4a). *See, generally, col. 5, line 52 – col. 7, line 40, and, specifically, col. 7, lines 2-3 and FIG. 5.* As Galipeau does not disclose any other storage media, this local storage for Store and Forward Logs can refer only to the “disk drive 3,” which is the same disk drive 3 that has its data accesses detected. Although Galipeau discloses forwarding write requests to a remote computer system 5 over the network 4 (*col. 3, lines 21-29*), the forwarding only occurs after the write request has been written to the local Store and Forward Logs. Thus, Galipeau does not disclose writing a copy of the accessed data to a storage location other than the external storage medium without storing any intermediate copies or fragments thereof on the external storage media. Therefore, claim 1 is patentable over Galipeau.

Applicants submit that claims 18 and 22, which are amended in a manner corresponding to that of claim 1, are patentable for reasons analogous to those for claim 1.

Additionally, claims 1-3, 5-14, 16-19, 21-29 and 31-33 are patentable due to their dependence from claims 1, 18 and 22, respectively.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101873.56480US).

Respectfully submitted,

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